ORIGINAL

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MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC. and MENU FOODS HOLDINGS, INC.

FILED
CLERK, U.S. DISTRICT COURT
APR 26 2007
5:00
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KEN WAHL, SHANE BARBI, SIA BARBI, JENNIFER HART, SHEILA R. WASHINGTON and MARIA MITCHELL, individually and on behalf of all individuals similarly situated,

Plaintiffs,

vs.

MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC., MENU FOODS HOLDINGS, INC., DEL MONTE FOODS COMPANY, NESTLE PURINA PETCARE COMPANY, HILLS PET NUTRITION, NUTRO PRODUCTS, INC., PETCO ANIMAL SUPPLIES STORES, INC., PETCO ANIMAL SUPPLIES, INC., PETCO SOUTHWEST, INC., PETSMART, INC., THE IAMS COMPANY, WAL-MART STORES, INC. and DOES 1 to 100, inclusive,

Defendants.

CASE NO. CV07-02779 SJO(AJWx)

NOTICE OF REMOVAL OF ACTION; DEMAND FOR JURY TRIAL [28 U.S.C. § 1441(a)]

[FILED CONCURRENTLY WITH NOTICE OF REMOVAL]

Action Filed: April 10, 2007

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PLEASE TAKE NOTICE that defendants MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC., and MENU FOODS HOLDINGS, INC. (hereinafter collectively referred to as "MENU FOODS" or "defendants"), pursuant to 28 U.S.C. §§ 1441 and 1446, file this Notice of Removal (hereinafter "Notice") of this action from the Superior Court of the State of California for the County of Los Angeles to the United States District Court for the Central District of California, Los Angeles Division. The grounds for removal are as follows:

I. INTRODUCTION

1. Plaintiffs KEN WAHL, SHANE BARBI, SIA BARBI, JENNIFER HART, SHEILA R. WASHINGTON and MARIA MITCHELL (hereinafter collectively referred as "plaintiffs"), commenced this products liability action in the Superior Court of the State of California, County of Los Angeles, entitled Ken Wahl, Shane Barbi, Sia Barbi, Jennifer Hart, Sheila R. Washington and Maria Mitchell vs. Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., Menu Foods, Inc., Menu Foods Holdings, Inc., Del Monte Foods Company, Nestle Purina Petcare Company, Hills Pet Nutrition, Nutro Products, Inc., Petco Animal Supplies Stores, Inc., Petco Animal Supplies, Inc., Petco Southwest, Inc., Petsmart, Inc., The Iams Company, Wal-Mart Stores, Inc. and Does 1 to 100, inclusive, Case No. BC 369261, on April 10, 2007. Plaintiffs allege that their respective pets became ill or died upon consuming pet food manufactured and distributed by Defendants. Plaintiffs further claim that they sustained compensatory damages, including veterinarian bills and related expenses, as a result of their pets' illnesses or death. A true and correct copy of the Summons and Complaint are attached hereto and incorporated by reference as **Exhibit A.**

2. MENU FOODS has yet to be served with a copy of the Summons and the Complaint; however, makes this Notice having received notice of this action. Pursuant to 28 U.S.C. § 1441, this Notice of Removal is timely filed.

3. As more fully set forth below, this is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(d)(2), and this action is removable under 28 U.S.C. § 1441, because it is a civil action in which the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action between citizens of different States. Therefore, pursuant to 28 U.S.C. §1441(a), the Defendants may remove this action to this Court.

II. THIS COURT HAS SUBJECT MATTER JURISDICTION

A. The Amount in Controversy Requirement Exceeds $5,000,000.

4. It is apparent from the face of the Complaint that the plaintiffs seek recovery of an amount in excess of $5,000,000, exclusive of costs and interest. Plaintiffs filed this class action on behalf of themselves as individuals and similarly situated individuals whose pets became ill and/or died after consuming various brands of allegedly pet food products manufactured by defendants and distributed and sold throughout the State of California, and the country. Plaintiffs allege that they have sustained compensatory damages in the form of veterinarian bills and related expenses as a result of their respective pets' illnesses and deaths. In addition, plaintiffs allege that countless pets have become ill or died, and thousands of pets throughout the State of California, and have required extensive medical care or incurred expenses, as a result of consuming the affected pet food. Plaintiffs acknowledge that the members of the putative class are numerous, and although the entire class is unknown to plaintiffs at this time, it is estimated that the entire class is greater than 1,000 individuals. Plaintiffs' prayer for relief seeks special damages, including veterinary expenses and loss of earnings as well as burial costs; disgorgement of all profits; punitive damages; restitution based on defendants' alleged unjust enrichment; and attorney fees, on behalf of themselves and all the members of the class. Further, nowhere in the Complaint do the plaintiffs limit the amount in controversy to less than $5,000,000. See **Exhibit A**.

5. "Where the class action complaint does not specify the amount of damages sought, the removing defendant must prove by a preponderance of the evidence that the amount in controversy requirement has been met." Davis v. Chase Bank U.S.A., 453 F.Supp.2d 1205, 1208 (C.D.Cal. 2006). Under this standard, "the defendant must provide evidence that is 'more likely than not' that the amount in controversy satisfies the federal diversity jurisdictional amount requirement." Davis, 453 F.Supp.2d at 1208, citing Abrego Abrego v. The Dow Chemical Co., 443 F.3d 676, 683 (9th Cir. 2006).

6. Based on plaintiffs' own allegations that MENU FOODS, alone, has issued what is purported to be one of the largest, if not the largest, recalls (approximately 60,000,000 units) of products in the pet food industry's history, and the types of damages claimed in the Complaint, it is apparent that the amount in controversy exceeds $5,000,000, exclusive of costs and interest.

7. Moreover, there are numerous pending class actions against MENU FOODS in various federal judicial districts in which the named plaintiffs allege that jurisdiction exists under 28 U.S.C. § 1332(d)(2). There is no reason to believe that the damages or amount in controversy, exclusive of costs and interests, claimed by the plaintiffs in this civil action will be less than those alleged in the pending federal cases.

8. The defendants have, therefore, met their burden of showing a reasonable probability that the amount in controversy satisfies the federal jurisdictional amount.

B. Complete Diversity of Citizenship Exists.

9. There is complete diversity of citizenship between the plaintiffs and the defendants in this action. Diversity in a class action is established when "any member of a class of plaintiffs is a citizen of a State different from any defendant." 28 U.S.C. § 1332(d)(2)(A).

10. According to the Complaint, the named plaintiffs are citizens of the State of California.

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11. Defendant MENU FOODS INCOME FUND is a Canadian income fund with its principal executive offices located at 8 Falconer Drive, Streetsville, Ontario, Canada L5N 1B1. Defendant MENU FOODS MIDWEST CORPORATION is a Delaware corporation with its principal executive offices located at P.O. Box 1046, 1400 East Logan Avenue, Emporia, Kansas 66801. Defendant MENU FOODS MIDWEST CORPORATION is a wholly owned subsidiary of MENU FOODS, INC. Defendant MENU FOODS SOUTH DAKOTA, INC. is a Delaware corporation with its principal executive offices at 630 N. Derby Lane, North Sioux City, South Dakota 57049. Defendant MENU FOODS, INC. is a New Jersey corporation with its principal executive offices located at 9130 Griffith Morgan Lane, Pennsauken, New Jersey 08110. Defendant MENU FOODS HOLDINGS, INC. is a Delaware corporation with its principal executive offices at 9130 Griffith Morgan Lane, Pennsauken, New Jersey 08110. Pursuant to 28 U.S.C. § 1332(c)(1), "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business." 28 U.S.C. §1332(c)(1). Thus, the MENU FOODS corporations are deemed to be citizens of the respective states listed above, none of which is the State of California.

12. The other defendants DEL MONTE FOODS COMPANY, NESTLE PURINA PETCARE COMPANY, HILLS PET NUTRITION, NUTRO PRODUCTS, INC., PETCO ANIMAL SUPPLIES STORES, INC., PETCO ANIMAL SUPPLIES, INC., PETCO SOUTHWEST, INC., PETSMART, INC., THE IAMS COMPANY, WAL-MART STORES, INC. have not appeared in this action to date. The "DOE" defendants are wholly fictitious and sham parties against whom no relief is, or could be, sought in this action. Pursuant to 28 U.S.C. § 1441(a), this Court should disregard the citizenship of any defendant sued under this fictitious name. Accordingly, it is not necessary that any parties join in this Notice of Removal of Action.

13. This case should be removed to the United States District Court for the Central District of California pursuant to 28 U.S.C. §§ 1332 and 1441, because: (1) the

plaintiffs are citizens of the State of California; (2) MENU FOODS is not a citizen of the State of California; and (3) the amount in controversy exceeds $5,000,000, exclusive of costs and interest.

III. PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

14. This Notice of Removal is timely according to 28 U.S.C. § 1446(b).

15. The defendants, in good faith, believe that the amount in controversy exceeds $5,000,000, exclusive of costs and interest, and complete diversity of citizenship exists.

16. The United States District Court for the Central District of California embraces the county in which the state court action is now pending. Therefore, this action is properly removed to the Central District of California pursuant to 28 U.S.C. § 93(a)(1).

17. Pursuant to 28 U.S.C. §1446(d), the defendants are filing written notice of this removal to all adverse parties and will file a copy of the notice with the clerk of the State court in which this action is currently pending.

WHEREFORE, defendants MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC., and MENU FOODS HOLDINGS, INC. respectfully move this action from the Superior Court of the State of California for the County of Los Angeles to the United States District Court for the Central District of California pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, defendants MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC., and MENU FOODS HOLDINGS, INC. hereby demand trial by jury in this action.

DATED: April 26, 2007, **MURCHISON & CUMMING, LLP**

By: Gina Och

JEAN M. LAWLER
GINA E. OCH
Attorneys for Defendants,
MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC. and MENU FOODS HOLDINGS, INC.

Exhibit A

FILED
LOS ANGELES SUPERIOR COURT
APR 10 2007
JOHN A. CLARKE, CLERK
BY EUGENA LOPEZ, DEPUTY

René L. Barge (SBN 182317)
Katherine J. Odenbreit
RENE L. BARGE, APC
CLASS ACTION LITIGATION GROUP
11111 Santa Monica Blvd., Suite 1000
Los Angeles, California 90025
Tel: (310) 481-9851
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Case assigned to Judge

Attorneys for Plaintiffs, KEN WAHL, SHANE BARBI, SIA BARBI, JENNIFER HART and MARIA MITCHELL, individually and on behalf of all individuals similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES – CENTRAL DISTRICT

KEN WAHL, SHANE BARBI, SIA BARBI, JENNIFER HART, SHEILA R. WASHINGTON and MARIA MITCHELL, individually and on behalf of all individuals similarly situated, Plaintiffs, vs. MENU FOODS INCOME FUND; MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA INC., MENU FOODS, INC., MENU FOODS HOLDINGS, INC.; DEL MONTE FOODS COMPANY; NESTLE PURINA PETCARE COMPANY, HILLS PET NUTRITION; NUTRO PRODUCTS, INC; PETCO ANIMAL SUPPLIES STORES, INC.; PETCO ANIMAL SUPPLIES, INC.; PETCO SOUTHWEST, INC.; PETSMART, INC., THE IAMS COMPANY; WAL-MART STORES, INC. and DOES 1 to 100, INCLUSIVE Defendants.	CASE NO. BC369261 CLASS ACTION **COMPLAINT FOR DAMAGES, INJUNCTIVE RELIEF, AND RESTITUTION** 1. Strict Products Liability 2. Breach of Implied Warranty of Merchantability 3. Negligence 4. Violation of Bus. & Prof. Code section 17200 *et seq.* 5. Violation of Calif. Consumer Legal Remedies Act (Civil Code section 1750 *et seq.)* 6. Request for Preliminary Injunction and Other Equitable Relief 7. Fraud (Concealment) **JURY TRIAL DEMANDED**

CLASS ACTION ALLEGATIONS

1. Pursuant to Code of Civil Procedure §382, Plaintiffs, KEN WAHL, SHANE BARBI, SIA BARBI, JENNIFER HART, SHEILA WASHINGTON and MARIA

MITCHELL, individually and on behalf of all individuals similarly situated, seek class-wide relief for patterns and practices of unlawful conduct by Defendants, MENU FOODS INCOME FUND; MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA INC., MENU FOODS, INC., MENU FOODS HOLDINGS, INC.; DEL MONTE FOODS COMPANY; NESTLE PURINA PETCARE COMPANY, HILLS PET NUTRITION; NUTRO PRODUCTS, INC; PETCO ANIMAL SUPPLIES STORES, INC.; PETCO ANIMAL SUPPLIES, INC.; PETCO SOUTHWEST, INC.; PETSMART, INC., THE IAMS COMPANY, WAL-MART STORES, INC. and DOES 1 to 100, INCLUSIVE.

2. The proposed class which the Plaintiffs seek to represent is as follows:

A. All persons in the State of California who purchased contaminated pet food products manufactured and distributed by Defendants.

B. All persons in the State of California who purchased contaminated pet food products manufactured and distributed by Defendants whose pet(s) died as after ingesting the contaminated food. (hereinafter collectively referred to as "Class Members").

3. The persons in the class are so numerous, being several thousand consumers, that the joinder of all such persons is impracticable, and the disposition of their claims as a class will benefit the parties and the court.

4. Questions of law and fact common to the Class exist as to Plaintiffs and all Class Members, and these common questions predominate over any questions affecting only individual members of the Class. Among the common questions of law and fact are the following:

a. Whether Defendants were negligent in allowing pet food products manufactured and sold in the United States to be contaminated with a dangerous ingredient that was not safe for consumption.

b. Whether Defendants owed a duty to pet owners by ensuring that the pet food was not contaminated with dangerous ingredients.

c. Whether Defendants' conduct amounted to breach of such a duty.

d. Whether Defendants' conduct was a proximate cause of Plaintiffs' and Class Members' damages.

e. Whether Defendants are responsible for manufacturing, distributing, or selling contaminated pet food products to be purchased by consumers.

f. Whether Defendants are strictly liable.

g. Whether Defendants breached their warranty of merchantability.

h. Whether Defendants produced, marketed, distributed, and sold a defective product.

i. Whether Defendants failed to adequately warn consumers of the dangerous nature of the contaminated pet food.

j. Whether Plaintiffs and Class Members are entitled to damages.

k. Whether Defendants violated California Consumer protection laws.

l. Whether Defendants employed deceptive representations of the safety of pet food products manufactured, marketed, and sold by Defendants.

m. Whether Defendants' statements were likely to deceive a reasonable consumer.

n. Whether Defendants represented to consumers that pet food products manufactured, marketed, distributed and sold by Defendants were of a particular quality or standard.

o. Whether Defendants had knowledge that pet food products being manufactured, marketed, distributed and sold by Defendants contained a toxic substance likely to cause injury and/or death to animals who ingested the products.

p. Whether Defendants failed to disclose to consumer material facts regarding the contamination and harmful side effects of ingesting their products in order to induce consumers to continue purchasing their pet food products after Defendants knew or should have known of the contamination.

q. Whether Plaintiffs and others similarly situated relied on Defendants silence as an assurance that products not being recalled were safe and suffered damages as a result.

5. The claims of Plaintiffs herein alleged are typical of those claims which could be alleged by any member of the class, and the relief sought is typical of the relief which would be sought by each member of the class in a separate action. All class members were subject to the same contaminated pet food products without knowledge of its potentially lethal effect on their pets. Defendants' failure to adequately warn consumers and continued sales of contaminated pet food products affected all class members similarly and Defendants benefited from the same type of unfair and/or wrongful acts as to each class member.

6. Plaintiffs will fairly and adequately represent and protect the interests of all members of the class and there are no known conflicts of interest between the named class representative and class members.

7. The prosecution of separate actions by individual members of the Plaintiff class would create a risk of inconsistent and/or varying adjudications with respect to the individual members of the class, establishing incompatible standards of conduct for the Defendants and resulting in the impairment of class members' rights and the disposition of their interests through actions to which they were not parties.

8. Common issues predominate all of class members' claims in that all claims arise out of Defendants' unlawful failure to warn consumers, Defendants' breach of the implied warranty of merchantability, Defendants' misrepresentations about the safety of their pet food products, Defendants' defective design and manufacture of their pet food

products, Defendants' fraudulent acts and concealment and Defendants' negligence. Further, class action is superior to numerous individual actions as a means of adjudicating those claims.

9. Plaintiffs have retained Class Counsel who has previously been certified in over 75 class actions and who are experienced and competent in both class action and consumer litigation. The number and identity of class members are determinable from alternative methods such as publication, Defendants' complaint records, and media broadcasts.

GENERAL ALLEGATIONS

10. Plaintiff KEN WAHL (hereinafter, "Plaintiff" or "WAHL") was and is an individual residing in the County of Los Angeles, State of California.

11. Plaintiff SHANE BARBI (hereinafter, "Plaintiff" or "BARBI 1") was and is an individual residing in the County of Los Angeles, State of California.

12. Plaintiff SIA BARBI (hereinafter "Plaintiff" or BARBI 2") was and is an individual residing in the County of Los Angeles, State of California.

13. Plaintiff JENNIFER HART (hereinafter, Plaintiff" or "HART") was and is an individual residing in the County of Orange, State of California.

14. Plaintiff SHEILA WASHINGTON (hereiafter "Plaintiff" or "WASHINGTON") was and is an individual residing in the County of Los Angeles, State of California.

15. Plaintiff MARIA MITCHELL (hereinafter, "Plaintiff" or "MITCHELL") was and is an individual residing in the County of Orange, State of California

16. Plaintiffs bring this action on behalf of themselves, other consumers of Defendants' pet food products, and the public pursuant to Business and Professions Code sections 17200 et seq. and California Civil Code section 1750 *et. seq.*

17. Defendant MENU FOODS INCOME FUND is an unincorporated company with its principal place of business in Ontario, Canada. It is doing business in the United States and in the State of California. Jurisdiction is appropriate pursuant to the California

Long Arm Statute, Calif. Code of Civil Procedure §410 *et seq.*, and service may be affected through the Hague Convention on service abroad of judicial and extrajudicial documents and civil or commercial matters at 8 Falconer Drive, Streetsville, Ontario Canada L5N 1B1.

18. MENU FOODS MIDWEST CORPORATION is a Delaware corporation and may be served through its registered agent for service, The Corporation Trust company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware.

19. Defendant MENU FOODS SOUTH DAKOTA, INC. is a Delaware corporation and may be served through its registered agent for service, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware.

20. Defendant MENU FOODS HOLDINGS, INC. is a Delaware corporation and may be served through its registered agent for service, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware.

21. Defendant MENU FOODS, INC. is a New Jersey corporation and may be served through its registered agent for service, Corporation Trust Company, 820 Bear Tavern Road, West Trenton, New Jersey. (Defendants MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORP., MENU FOODS SOUTH DAKOTA, INC., MENU FOODS HOLDINGS, INC., and MENU FOODS, INC. are hereinafter collectively referred to as "MENU FOODS").

22. Defendant DEL MONTE FOODS COMPANY, is a Delaware corporation registered to conduct business in the State of California and may be served through its registered agent for service, CT Corporation System, 818 West Seventh Street, Los Angeles, California 90017.

23. Defendant NESTLE PURINA PETCARE COMPANY, is a Missouri corporation registered to do business in the State of California and may be served through its registered agent for service, CT Corporation System, 818 West Seventh Street, Los Angeles, California 90017.

24. Defendant HILLS PET NUTRITION is a Delaware corporation registered to do business in the State of California and may be served through its registered agent for service, CT Corporation System, 818 West Seventh Street, Los Angeles, California 90017.

25. Defendant NUTRO PRODUCTS, INC. is a California corporation with its principal place of business located in City of Industry, County of Los Angeles, California.

26. Defendant THE IAMS COMPANY is an Ohio corporation registered to do business in the State of California and may be served through its registered agent for service, CT Corporation System, 818 West Seventh Street, Los Angeles, California.

27. Defendant PETCO ANIMAL SUPPLIES, INC. is a Delaware corporation registered to do business in the State of California with its designated principal place of business located in San Diego, County of San Diego, California and may be served through its registered agent for service Corporation Service Company d.b.a. Lawyers Incorporating Service, P.O. Box 526036, Sacramento, California 95852.

28. Defendant PETCO SOUTHWEST, INC. is a California corporation with its principal place of business located in San Diego, California, County of San Diego.

29. Defendant PETCO ANIMAL SUPPLIES STORES, INC. is a Delaware corporation registered to do business in the State of California with its designated principal place of business located in San Diego, California, County of San Diego. (Defendants PETCO ANIMAL SUPLLIES, INC., PETCO SOUTHWEST, INC., and PETCO ANIMAL SUPPLIES STORES, INC. are hereafter collectively referred to as "PETCO").

30. Defendants PETSMART, INC. is a Delaware corporation registered to do business in the State of California with its principal place of business located in Phoenix, Arizona and may be served through its registered agent CT Corporation System, 818 West Seventh Street, Los Angeles, California 90017.

31. Defendants WAL-MART STORES, INC. is a Delaware corporation and may be served through its registered agent The Corporation Company, 425 W. Capitol Avenue, Ste. 1700, Little Rock, AR 72201.

32. Plaintiffs are ignorant of the true names and capacities, whether individual, corporate, associate, or otherwise, of the Defendants named herein as DOES 1 through 100, and Plaintiffs therefore sue these Defendants, and each of them, by said fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when such information has been ascertained.

33. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned, the Defendants and each of them, were the agents, servants, and/or employees of each and every other Defendant, and that all acts and omissions herein complained of were performed within the course and scope of said employment, service, or agency, and each Defendant has ratified, approved, and authorized the acts of each of the remaining Defendants with full knowledge of said acts.

34. At all times herein mentioned, Defendants, and all of them, were and is engaged in the manufacture and sales of pet food products to the public.

FIRST CAUSE OF ACTION

STRICT PRODUCTS LIABILITY

(By All Plaintiffs Against All Defendants)

35. Plaintiffs hereby reallege, and incorporate by reference as though set fully forth herein, the allegations contained in paragraphs 1 through 34.

35. Plaintiffs are informed and believe and thereon allege that Defendants, and all of them, are engaged in the selling of pet food products which are expected to reach consumers without substantial change in the condition in which it is sold.

36. Plaintiffs are informed and believe and thereon allege that Defendants manufactured, marketed, distributed and sold pet food products in California which they knew were in a defective condition and were unreasonably dangerous to the consumers' pets, to wit contained lethal chemicals in the product, and as such, Defendants are liable

for physical harm caused to the ultimate user or consumer, or to his or her property and failed to meet the expectations of a reasonable consumer.

37. Defendants' are liable for injuries directly and proximately caused by their defective manufacture, distribution and sale of pet food products where such defect existed when the products left possession of the Defendants and injuries were sustained to Plaintiffs' pets as a result of ingesting the contaminated pet food products. Such a use by Plaintiffs and others similarly situated was the intended use and reasonably foreseeable by Defendants.

38. Plaintiffs' pets suffered injury and/or death as a result of ingesting Defendants' defective pet food products. Plaintiffs suffered damages for veterinary bills, burial and disposal costs and the purchase price of the dangerous pet food products and are therefore entitled to restitution, attorneys' fees and costs.

SECOND CAUSE OF ACTION
BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY
(All Plaintiffs Against All Defendants)

39. Plaintiffs hereby incorporate by reference each and every paragraph of this complaint as set forth in paragraphs 1 through 38.

40. Plaintiffs are informed and believe and thereon allege that at all times mentioned herein, Defendants, were aware of the particular purpose for which the pet food products are required and that the buyer relied on Defendants' skill or judgment to select and furnish suitable goods.

41. That Defendants' knew the pet food products would be purchased and ingested by consumers' pets. Plaintiffs and others similarly situated relied upon such implied warranty and had no knowledge of the dangerous, unsafe, hazardous and unfit quality of Defendants' pet food products.

42. Plaintiffs allege that pet food products manufactured, marketed, and sold by Defendants' were unsafe, hazardous, dangerous and unfit when used for the purposes for which they were intended and in a manner recommended by Defendants, which resulted in damages and injuries to Plaintiffs.

43. Therefore, Plaintiffs are entitled to reimbursement of costs of the food, veterinary bills and/or burial costs, according to proof, as well as attorneys' fees and costs pursuant to Civil Code section 1794(e)(1).

THIRD CAUSE OF ACTION
NEGLIGENCE
(All Plaintiffs Against All Defendants)

44. Plaintiffs hereby incorporate by reference each and every paragraph of this complaint as set forth in paragraphs 1 through 43.

45. Defendants owed a duty to consumers, including Plaintiffs, to use reasonable care in designing, testing, labeling, manufacturing, marketing, supplying, distributing and selling pet food products, including a duty to ensure that pet food products manufactured, marketed, supplied and/or sold in California did not cause the dogs and cats ingesting the pet food to suffer from unreasonable, unknown and/or dangerous side effects.

46. Defendants failed to exercise reasonable care in warning about designing, testing, labeling, manufacturing, marketing, selling, and/or distributing pet food products and breached their duties to Plaintiffs in that, without limitation, they did not warn of the known risks associated with the ingestion of contaminated pet food products and did not exercise an acceptable standard of care.

47. Pet food products designed, manufactured, labeled, marketed, sold and distributed by Defendants' lacked sufficient warnings of the hazards and dangers to users of the products and failed to provide safeguards to prevent the injuries sustained by Plaintiffs' pets. Defendants failed to properly test and/or inspect pet food products prior to their sale, and as a result subjected users to an unreasonable risk of injury when these products were used as directed and as recommended.

48. Defendants breached their duty and were negligent in their actions, misrepresentations, and omissions toward Plaintiffs as follows:

a. Failed to exercise due care in designing, developing and manufacturing pet food products so as to avoid contaminants being present in the pet food.

b. Failed to include adequate warnings that would alert Plaintiffs and other consumers to its potential risks and serious side effects.

c. Failed to adequately and properly test or inspect pet food products before placing them on the market and/or selling them to consumers.

d. Failed to conduct sufficient testing or inspection on pet food products, which if properly performed, would have revealed to Defendants the serious side effects, including but not limited to, death of the animals consuming their products.

e. Failed to provide adequate post-marketing warnings or instructions after Defendants knew, or should have known, of the significant risks of ingestion by dogs and cats of Defendants' pet food products.

f. Placed an unsafe produce into the stream of commerce, and

g. Was otherwise careless or negligent.

49.Defendants knew, or should have known, that pet food products designed, manufactured, marketed, distributed and sold by Defendants caused unreasonably dangerous risks and serious side effects of which Plaintiffs would not be aware. Defendants nevertheless advertised, marketed, sold and/or distributed the dangerous pet food products knowing of the unreasonable risks of injury.

50. Defendants knew or should have known that Plaintiffs' and consumers' dogs and cats would suffer injury and possible death as a result of Defendants' failure to exercise reasonable care as described above.

51. Upon information and belief, Defendants knew or should have known of the defective nature of Defendants' product, as set forth herein, but continued to design, manufacture, market and sell their pet food products so as to maximize sales and profits at the expense of the health and safety of the public, including Plaintiffs, in conscious and/or negligent disregard of the foreseeable harm caused by Defendants' pet food products.

52. Defendants failed to disclose to the Plaintiffs and the general public facts known or available to them, as alleged herein, in order to ensure continued and increased

sales of Defendants' pet food products. This failure to disclose deprived Plaintiffs of the information necessary for them to weigh the true risks of purchasing Defendants' pet food products against the benefits.

53. As a direct and proximate result of Plaintiffs' feeding their pets suffered serious and permanent health problems and death.

54. By virtue of Defendants' negligence, Defendants directly, foreseeably and proximately caused Plaintiffs pets to suffer serious health problems, permanent damage to their health and death or possible death. As a result, the imposition of punitive damages against Defendants is warranted.

FOURTH CAUSE OF ACTION
(Unfair Competition and Unfair Business Practices)
(Business and Professions Code secs. 17200 et seq.)
(By All Plaintiffs Against All Defendants)

55. Plaintiffs hereby reallege, and incorporate by reference as though set fully forth herein, the allegations contained in paragraphs 1 through 54.

56. Defendants, and each of them, are "persons" as defined under Business and Professions Code section 17021.

57. Each of the directors, officers and/or agents of Defendants are equally responsible for the acts of the others as set forth in Business and Professions Code Section 17095.

58. Defendants are engaged in the business of manufacturing and selling pet food products to the public as defined in Business and Professions Code sections 17022 and 17024.

59. California Business & Professions Code section 17200 prohibits unfair competition and unfair business practices, including, "any unlawful, unfair or fraudulent business act or practice…". Defendants' conduct as specified herein, constitutes a violation of California Business and Professions Code section 17200 *et seq.*

60. Defendants' unlawful and unfair practices as alleged herein violate California law and constitute ongoing and continuous unfair business practices within the meaning of Business and Professions Code section 17200. Such practices include, but

are not limited to, Defendants' false representations as to the safety of their pet food products, Defendants' concealment from members of the public about the danger the pet food products posed to pets of consumers which continuing to manufacture, market, sell and distribute pet food products and concealment from members of the public the wide-spread nature of the contamination to numerous pet food products.

61. As a result of Defendants' unfair business practices, Defendants have reaped unfair benefits and illegal profits at the expense of Plaintiffs and others similarly situated and members of the public. Defendants should be made to disgorge their profits resulting from this illegal practice and restore such monies to Plaintiffs and others similarly situated.

62. As a result of these actions, the Plaintiffs, on information and belief, allege that the Defendants were able to unfairly compete with other pet food companies in the State of California by not promptly revealing the wide-spread nature of contaminated pet food products, in violation of Business and Professions Code, §§17000 et seq. and §§17200 et seq. Due to these unfair, fraudulent and/or unlawful business practices, Defendants have gained a competitive advantage over other comparable pet food product companies doing business in the State of California.

63. The victims of these unfair, fraudulent and/or illegal business practices include, but are not limited to, the Plaintiffs, Class Members and consumers who purchased Defendants' pet food products, competing pet food product companies in the State of California, and the general public. Plaintiff is informed and believes and thereon alleges that Defendants performed the above-mentioned acts with the intent of gaining an unfair competitive advantage and thereby injuring Plaintiffs, Class Members, other competitors, and the general public.

64. Pursuant to Business and Professions Code section 17203, Plaintiffs, on behalf of themselves and all Class Members, request restitution and/or disgorgement of all profits wrongfully retained by Defendants in violation of Business and Professions Code sections 17000 et seq. and 17200 et seq. Further, Plaintiffs request attorneys' fees

and costs pursuant to Code of Civil Procedure section 1021.5 upon proof they have acted in the public interest as set forth in the Private Attorney General Act.

FIFTH CAUSE OF ACTION
VIOLATION OF CALIFORNIA CIVIL CODE SECTION 1750 *et seq.*
(CONSUMER LEGAL REMEDIES ACT)
(All Plaintiffs Against All Defendants)

65. Plaintiffs hereby reallege, and incorporate by reference as though set fully forth herein, the allegations contained in paragraphs 1 through 64.

66. Defendants are "persons" as defined by Civil Code § 1761(c).

67. Plaintiffs and each member of the class are "consumers" within the meaning of Civil Code § 1761(d).

68. The Consumer Legal Remedies Act ("CLRA"), California Civil Code § 1750 *et seq.* applies to Defendants' actions and conduct described herein because it extends to transactions that are intended to result, or which have resulted, in the sale or lease of goods or services to consumers.

69. Defendants, and all of them, have violated CLRA in at least the following respects:

a. In violation of Section 1770(a)(5), Defendants have represented that pet food products designed, manufactured, distributed and sold by Defendants have characteristics, ingredients and benefits that they do not have;

b. In violation of Section 1770(a)(7), Defendants have represented that pet food products designed, manufactured, distributed and sold by Defendants are of a particular standard, quality, or grade when they are not.

70.As set forth herein, Defendants' representations and omissions as stated in the media concerning the extent of the contaminated and dangerous nature of the pet food products containing the Wheat Gluten product sold to Plaintiffs and others similarly situated are misrepresentations and/or concealment of material facts that constitute unfair, deceptive and misleading business practices in violation of Civil Code § 1770(a).

71. Defendants' deceptive acts alleged herein occurred in the course of selling a consumer product and Defendants have done so continuously through the filing of this complaint.

72. As a direct and proximate result of Defendants' violation of Civil Code section 1770, *et seq.*, Plaintiffs and other class members have suffered irreparable harm and monetary damages entitling them to both injunctive relief. Plaintiffs, on behalf of themselves and on behalf of the class, seek injunctive relief allowable under the CLRA.

73. At all times relevant, Defendants knew that the pet food products being manufactured, marketed and sold by Defendants were defective and dangerous to animals and concealed material facts regarding these defects to Plaintiffs and others similarly situated. Though faced with numerous complaints regarding the illness and death caused by pet food products designed, manufactured, distributed and sold by Defendants', Defendants failed and refused to promptly warn consumers about the dangerous chemicals present in the pet food products which were later subject to a "voluntary recall". Defendants concealed material information from consumers, and the public, through its media releases and consumer hotlines, that (a) Defendants, and all of them, delayed in informing the public and consumers that the pet food products manufactured and sold by Defendants contained a deadly chemical that if fed to their pets would surely result in injury and/or death. (b) Defendants grossly misrepresented the number of injuries and death to pets caused by its dangerous pet food products; (b) Defendants continued to manufacture, market and sell pet food products known by Defendants to be deadly to pets who consume those products; and (c) Defendants manufactured and sold pet food products which are not of merchantable quality.

74. Knowing the truth and motivated by profit and market share, Defendants knowingly and willfully engaged in the acts and/or omissions to mislead and/or deceive Plaintiffs and others similarly situated. Defendants' wrongful conduct, as alleged herein, was willful, oppressive, immoral, unethical, unscrupulous, substantially injurious and malicious. Accordingly, Plaintiffs request:

a. That the Court issue a preliminary and permanent injunction requiring the Defendants to cease and desist marketing, distributing and selling any pet food products manufactured, marketed and distributed by Defendants MENU FOODS, DEL MONTE, HILLS PET NUTRITION, THE IAMS COMPANY, PURINA and NUTRO in the State of California until such time the public can be assured that their pet food products are not dangerous to pets who ingest them.

b. That the Court issue a preliminary and permanent injunction requiring Defendants PETCO, PETSMART and WAL-MART from selling pet food products manufactured, distributed and sold by Defendants MENU FOODS, DEL MONTE, HILLS PET NUTRITION, THE IAMS COMPANY, PURINA and NUTRO in the State of California until such time consumers and the public can be assured that other products are not dangerous to pets who ingest them.

SIXTH CAUSE OF ACTION
(Request for Preliminary and Permanent Injunction and Other Equitable Relief)
(By All Plaintiffs Against All Defendants)

75. Plaintiffs, individually and on behalf of each employee similarly situated, hereby restate, reallege, and incorporate by reference herein, paragraphs 1 through 74 of this complaint, as though fully set forth herein.

76. Plaintiffs allege that if Defendants are not enjoined from the conduct set forth above, they will continue to distribute and sell deadly dog and cat food to consumers and Class Members. In addition, Defendants will continue to avoid paying the cost of appropriate testing, inspection and research to determine whether or not other pet food products manufactured and sold by Defendants contain the deadly ingredient.

77. Plaintiffs request:

a. That the Court issue a preliminary and permanent injunction requiring the Defendants to cease and desist marketing, distributing and selling any pet food products manufactured, marketed and distributed by Defendants

MENU FOODS, DEL MONTE, HILLS PET NUTRITION, THE IAMS COMPANY, PURINA and NUTRO in the State of California until such time the public can be assured that their pet food products are not dangerous to pets who ingest them.

b. That the Court issue a preliminary and permanent injunction requiring Defendants PETCO, PETSMART and WAL-MART from selling pet food products manufactured, distributed and sold by Defendants MENU FOODS, DEL MONTE, HILLS PET NUTRITION, THE IAMS COMPANY, PURINA and NUTRO in the State of California until such time consumers and the public can be assured that other products are not dangerous to pets who ingest them.

78. Plaintiffs also request that the Court order the Defendants, and all of them, to pay restitution to the Plaintiffs and Class Members in the form of illegally retained earnings, and pay for any out-of-pocket expenses, obtained by way of its violations of Business and Professions Code sections 17000 et seq. and 17200 et seq.

SEVENTH CAUSE OF ACTION
FRAUD (CONCEALMENT)
(By All Plaintiffs Against All Defendants)

79.Plaintiffs, individually and on behalf of each employee similarly situated, hereby restate, reallege, and incorporate by reference herein, paragraphs 1 through 78 of this complaint, as though fully set forth herein.

80. Defendants concealed the following facts:

a. Defendants MENU FOODS represented to the Plaintiffs and those similarly situated that the number of animal deaths caused by their pet food products was limited to 16, when in fact it was thousands. To this day, MENU FOODS has not admitted the number of pet deaths caused by its pet food products is substantially higher than represented.

b. Defendants, MENU FOODS, concealed from Plaintiffs and those similarly situated that pet food manufactured, marketed, distributed and sold posed the risk of serious injury and/or death to dogs and cats despite having knowledge of such danger for months prior to the implementation of a recall.

c. Defendants MENU FOODS notified the FDA of the injury and/or deaths to cats and dogs caused by their pet food products 2-3 weeks prior to the implementation of a recall thereby concealing from consumers the fact their pet food products were suspected of causing injury and/or death to animals.

d. Defendants PURINA, HILLS, IAMS, DEL MONTE and NUTRO, intentionally concealed information from Plaintiffs and others similarly situated that they received wheat gluten from the same supplier as MENU FOODS despite having knowledge for over a month after the FDA indicated a chemical present in the wheat gluten was responsible for thousands of dog and cat deaths.

e. Defendants PETCO, PETSMART and WAL-MART concealed the fact that pet food products sold to consumers carried a risk of injury and/or death to their pets after they knew the pet food products carried such risks.

f. Defendants, and all of them, intentionally concealed information relating to the safety of pet food products manufactured and sold by Defendants before and after recalls were implemented. Defendants knew customers would rely on their silence and the fact the pet food products remained on the retail store shelves as evidence that the pet food was safe.

g. Plaintiffs and class members did in fact so rely and have suffered damages as a proximate result thereof.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated, pray for relief and judgment against Defendants as follows:

FIRST CAUSE OF ACTION:

1. For general damages in an amount according to proof;

2. For special damages, including veterinary expenses and burial expenses, in an amount according to proof;

3. For reasonable attorney's fees and costs;

4. For statutory interest.

SECOND CAUSE OF ACTION:

5. For general damages in an amount according to proof;

6. For special damages, including veterinary expenses and burial expenses, in an amount according to proof;

7. For reasonable attorney's fees and costs;

8. For statutory interest.

THIRD CAUSE OF ACTION

9. For general damages in an amount according to proof;

10. For special damages, including veterinary expenses and burial expenses, in an amount according to proof;

11. For punitive damages;

12. For reasonable attorneys' fees and costs;

13. For statutory interest.

FOURTH CAUSE OF ACTION:

14. For an order requiring Defendants to show cause why it should not be enjoined as set forth below, during and after the pendency of this action;

15. That each Defendant, jointly and/or severally, pay restitution and/or disgorgement of sums to Plaintiffs and each class member for its past failure to warn consumers of the dangerous and deadly ingredient contained in their pet food products, over the last four years, restitution of costs spent for veterinary bills, burial costs, and cost of the pet food purchased, in an amount according to the proof;

16. For reasonable attorney's fees and costs pursuant to the Attorney General's Act (Code of Civ. Proc. sec. 1021.5);

FIFTH CAUSE OF ACTION:

17. For an order requiring Defendants to show cause why it should not be enjoined as set forth above, during and after the pendency of this action;

SIXTH CAUSE OF ACTION:

18. For a preliminary and permanent injunction requiring Defendants to cease from selling their pet food products in the State of California until such time it can be shown that the pet food products are not harmful and/or deadly to consumers' pets.

19. For an order requiring Defendants to show cause why it should not be enjoined as set forth herein, during the pendency of this action;

20. Restitution and disgorgement of all sums obtained in violation of Business and Professions Code sections 17000 et seq. and 17200 et seq.;

SEVENTH CAUSE OF ACTION:

21. That each Defendant, jointly and/or severally, pay restitution of costs spent for veterinary bills, burial costs, cost of the pet food purchased, attorneys' fees and costs to Plaintiffs and each class member for its concealment from consumers information regarding the dangerous and deadly ingredient contained in pet food products manufactured, marketed, distributed and sold by Defendants, in an amount according to the proof;

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ALL CAUSES OF ACTION:

22. For reasonable attorney's fees;

23. For costs of suit incurred herein; and

24. For such other and further relief as the court may deem just and appropriate.

Dated: April 10, 2007

RENÉ L. BARGE, APC
CLASS ACTION LITIGATION GROUP

By: [signature]
KATHERINE ODENBREIT, ESQ.
Attorneys for Plaintiffs WAHL, et al.

DEMAND FOR JURY TRIAL

Plaintiffs on behalf of themselves and all others on whose behalf this suit is brought, demand trial by jury to the fullest extent permitted in this action.

DATED: April 10, 2007

RENÉ L. BARGE, APC
CLASS ACTION LITIGATION GROUP

By: [signature]
KATHERINE ODENBREIT, Esq.
Attorneys for Plaintiffs WAHL, et al.

SHORT TITLE: WAHL ET AL. v. MENU FOODS, ET AL.	CASE NUMBER BC369261

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☑ YES CLASS ACTION? ☑ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 30 ☐ HOURS/ ☑ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Auto Tort	Uninsured Motorist (46)	☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	☐ A6070 Asbestos Property Damage	2.
		☐ A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	☑ A7260 Product Liability (not asbestos or toxic/environmental)	(1)., 2., 3., 4., 8.
	Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
		☐ A7240 Other Professional Health Care Malpractice	1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	☐ A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		☐ A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
		☐ A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	☐ A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	☑ A6013 Fraud (no contract)	(1)., 2., 3.

SHORT TITLE:	CASE NUMBER
WAHL ET AL. v. MENU FOODS, ET AL.	

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort (Cont'd.)	Professional Negligence (25)	☐ A6017 Legal Malpractice ☐ A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Employment	Wrongful Termination (36)	☐ A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	☐ A6024 Other Employment Complaint Case ☐ A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	☐ A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) ☐ A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) ☐ A6019 Negligent Breach of Contract/Warranty (no fraud) ☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	☐ A6002 Collections Case-Seller Plaintiff ☐ A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	☐ A6009 Contractual Fraud ☐ A6031 Tortious Interference ☐ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domain/Condemnation Number of parcels_____	2.
	Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	☐ A6018 Mortgage Foreclosure ☐ A6032 Quiet Title ☐ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2., 6.
Judicial Review	Asset Forfeiture (05)	☐ A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: WAHL ET AL. v. MENU FOODS, ET AL.	CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	☐ A6151 Writ - Administrative Mandamus ☐ A6152 Writ - Mandamus on Limited Court Case Matter ☐ A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	☐ A6007 Construction defect	1., 2., 3.
	Claims Involving Mass Tort (40)	☐ A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	☐ A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	☐ A6141 Sister State Judgment ☐ A6160 Abstract of Judgment ☐ A6107 Confession of Judgment (non-domestic relations) ☐ A6140 Administrative Agency Award (not unpaid taxes) ☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax ☐ A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	☐ A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	☐ A6030 Declaratory Relief Only ☐ A6040 Injunctive Relief Only (not domestic/harassment) ☐ A6011 Other Commercial Complaint Case (non-tort/non-complex) ☐ A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance(21)	☐ A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	☐ A6121 Civil Harassment ☐ A6123 Workplace Harassment ☐ A6124 Elder/Dependent Adult Abuse Case ☐ A6190 Election Contest ☐ A6110 Petition for Change of Name ☐ A6170 Petition for Relief from Late Claim Law ☐ A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE:	CASE NUMBER
WAHL ET AL. v. MENU FOODS, ET AL.	

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE			ADDRESS:
☑1. ☐2. ☐3. ☐4. ☐5. ☐6. ☐7. ☐8. ☐9. ☐10.			1223 Wilshire Blvd., #436 Santa Monica, CA 90404
CITY: Santa Monica	STATE: CA	ZIP CODE: 90404	

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: April 10, 2007

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Rene L. Barge SBN 182317
Katherine J. Odenbreit SBN 184619
Class Action Litigation Group
11111 Santa Monica Blvd., #1000, Los Angeles, CA 90025
TELEPHONE NO.: (310)481-9851 FAX NO.: (310)479-7051
ATTORNEY FOR (Name): Ken Wahl, Shane Barbi, Sia Barbi, Jennifer Hart, Maria Mitchell

FOR COURT USE ONLY

FILED
LOS ANGELES SUPERIOR COURT
APR 10 2007
JOHN A. CLARKE, CLERK
BY EUGENA LOPEZ, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012-3014
BRANCH NAME: Central

CASE NAME:

CIVIL CASE COVER SHEET		Complex Case Designation	CASE NUMBER:
[✓] Unlimited (Amount demanded exceeds $25,000)	[ ] Limited (Amount demanded is $25,000 or less)	[ ] Counter [ ] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	BC369261 JUDGE: DEPT:

Items 1–5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [✓] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [✓] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [✓] is [ ] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [✓] Large number of separately represented parties
   b. [✓] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [✓] Substantial amount of documentary evidence
   d. [✓] Large number of witnesses
   e. [✓] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [✓] Substantial postjudgment judicial supervision
3. Type of remedies sought *(check all that apply):*
   a. [✓] monetary b. [✓] nonmonetary; declaratory or injunctive relief c. [✓] punitive
4. Number of causes of action *(specify):*
5. This case [✓] is [ ] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: April 10, 2007

(TYPE OR PRINT NAME) ▶ Katherine J. Odenbreit
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. January 1, 2007]

CIVIL CASE COVER SHEET

American LegalNet, Inc.
www.FormsWorkflow.com

Cal. Rules of Court, rules 3.220, 3.400–3.403;
Standards of Judicial Administration, § 19
www.courtinfo.ca.gov

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

On April 26, 2007, I served true copies of the following document described as **NOTICE OF REMOVAL OF ACTION; DEMAND FOR JURY TRIAL [28 U.S.C. § 1441(a)]** on the interested parties in this action as follows:

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Murchison & Cumming's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 26, 2007, at Los Angeles, California.

MARJORIE K. DE JOHNETTE

SERVICE LIST

Rene L. Barge, Esq.
Katherine J. Odenbreit, Esq.
RENE L. BARGE, APC
Class Action Litigation Group
11111 Santa Monica Boulevard, Suite 1000
Los Angeles, CA 90025
Tele: (310) 481-9851
Fax: (310) 479-7051

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

CV07- 2779 SJO (AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

[X] **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

[ ] **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

[ ] **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself [ ])

KEN WAHL, SHANE BARBI, SIA BARBI, JENNIFER HART, SHEILA R. WASHINGTON and MARIA MITCHELL, et al.

DEFENDANTS

MENU FOODS INCOME FUND, et al.

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Attorneys (If Known)

Gina E. Och (SBN 170520)
MURCHISON & CUMMING, LLP
801 South Grand Avenue, 9th Floor
Los Angeles, CA 90017
Tele: (213) 623-7400
Fax: (213) 623-6336

II. BASIS OF JURISDICTION (Place an X in one box only.)

- [ ] 1 U.S. Government Plaintiff
- [ ] 3 Federal Question (U.S. Government Not a Party)
- [ ] 2 U.S. Government Defendant
- [X] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	[X] 1	[ ] 1	Incorporated or Principal Place of Business in this State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated and Principal Place of Business in Another State	[ ] 5	[X] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. ORIGIN (Place an X in one box only.)

[ ] 1 Original Proceeding [X] 2 Removed from State Court [ ] 3 Remanded from Appellate Court [ ] 4 Reinstated or Reopened [ ] 5 Transferred from another district (specify): [ ] 6 Multi-District Litigation [ ] 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: [X] Yes [ ] No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: [ ] Yes [ ] No [X] **MONEY DEMANDED IN COMPLAINT: $** 5,000,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. sections 1332, 1441 and 1446. This is a diversity action.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES
- [ ] 400 State Reapportionment
- [ ] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce/ICC Rates/etc.
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced and Corrupt Organizations
- [ ] 480 Consumer Credit
- [ ] 490 Cable/Sat TV
- [ ] 810 Selective Service
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 875 Customer Challenge 12 USC 3410
- [ ] 890 Other Statutory Actions
- [ ] 891 Agricultural Act
- [ ] 892 Economic Stabilization Act
- [ ] 893 Environmental Matters
- [ ] 894 Energy Allocation Act
- [ ] 895 Freedom of Info. Act
- [ ] 900 Appeal of Fee Determination Under Equal Access to Justice
- [ ] 950 Constitutionality of State Statutes

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loan (Excl. Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability
- [ ] 196 Franchise

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS — PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Fed. Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury
- [ ] 362 Personal Injury-Med Malpractice
- [X] 365 Personal Injury-Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

TORTS — PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

BANKRUPTCY
- [ ] 422 Appeal 28 USC 158
- [ ] 423 Withdrawal 28 USC 157

CIVIL RIGHTS
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/Accommodations
- [ ] 444 Welfare
- [ ] 445 American with Disabilities - Employment
- [ ] 446 American with Disabilities - Other
- [ ] 440 Other Civil Rights

PRISONER PETITIONS
- [ ] 510 Motions to Vacate Sentence Habeas Corpus
- [ ] 530 General
- [ ] 535 Death Penalty
- [ ] 540 Mandamus/ Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Condition

FORFEITURE/PENALTY
- [ ] 610 Agriculture
- [ ] 620 Other Food & Drug
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 630 Liquor Laws
- [ ] 640 R.R. & Truck
- [ ] 650 Airline Regs
- [ ] 660 Occupational Safety/Health
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Mgmt. Relations
- [ ] 730 Labor/Mgmt. Reporting & Disclosure Act
- [ ] 740 Railway Labor Act
- [ ] 790 Other Labor Litig.
- [ ] 791 Empl. Ret. Inc. Security Act

PROPERTY RIGHTS
- [ ] 820 Copyrights
- [ ] 830 Patent
- [ ] 840 Trademark

SOCIAL SECURITY
- [ ] 861 HIA (1395ff)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS - Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? [X] No [ ] Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: CV07-02779

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? [ ] No [X] Yes

If yes, list case number(s): SEE CONCURRENTLY-FILED NOTICE OF RELATED CASES

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply) [X] A. Arise from the same or closely related transactions, happenings, or events; or
[X] B. Call for determination of the same or substantially related or similar questions of law and fact; or
[X] C. For other reasons would entail substantial duplication of labor if heard by different judges; or
[ ] D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

[ ] Check here if the U.S. government, its agencies or employees is a named plaintiff.

Pltf Ken Wahl, Los Angeles County; pltf Jennifer Hart, Orange County; pltf Shane Barbi, Los Angeles County; pltf Sheila Washington, Los Angeles County; pltf Maria Michell, Orange County

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

[ ] Check here if the U.S. government, its agencies or employees is a named defendant.

Menu Foods South Dakota, Inc., South Dakota; Menu Foods Income Fund, Canada; Menu Foods Midwest Corporation, Kansas; Menu Foods Holdings, Inc., New Jersey; Menu Foods, Inc., New Jersey

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

County of Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): Gina Och **Date** April 26, 2007
GINA E. OCH

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))